

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 17, 1999
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Mrs. Lakshmi Kambampati, Sanskrit.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -approved

The minutes of the regular meeting of August 10, 1999, were approved 7 to 0.

(The Council took up the FBI Violent Crime Task Force Report out of order. Action is shown in Agenda Order.)

UNFINISHED BUSINESS

CU-526

CU-526 – REQUEST FOR CONDITIONAL USE TO ALLOW CORRECTIONAL PLACEMENT RESIDENCE ON ONE ACRE, LOCATED NORTH OF CENTRAL AND WEST OF CHAUTAUQUA.
(District I) Continued from August 10, 1999.

Council Member Rogers

Council Member Rogers said a more acceptable location has been sought but has not yet been found. The City Manager and Staff will continue to assist the Halfway House to find a new location and will work with the Halfway House to allow them to remain in the present location in the interim.

Motion --

Rogers moved that the Council concur with the findings of the MAPC and deny the request.

Council Member Cole

Council Member Cole said two new halfway houses are being established in District VI. Applicant(s) for the halfway houses that house persons who have served full terms maintain that they do not fall under the City's license ordinances.

Council Member Cole stated that she concurred with the motion but she wished the new location would not be in District VI.

-- carried

Motion carried 7 to 0.

CONDEMNATION

REMOVAL OF DANGEROUS & UNSAFE STRUCTURE - 1812 HEISERMAN. (District VI)
Continued from July 13, 1999.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-796.

City Council considered the case on July 13, 1999, and deferred the hearing for 30 days to allow NationsBank to report with a decision about the future of the property.

The structure is secure and the premises are secured. No repairs have been made.

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The taxes are current.

Jeff Vanzant

Jeff Vanzant, NationsBank, said plans are to immediately complete foreclosure and complete exterior repairs within 60 days after foreclosure. The interior work could not be completed until after the title is obtained.

Motion --

Cole moved that an additional 30 days be given for external repairs; the Bank be given a list of external repairs to be completed within the 30 days; arrangements be made with OCI on internal repairs prior to the 30 day expiration; and a report be given at the end of 30 days by OCI on whether the external repairs have been completed. Motion carried 7 to 0.

-- carried

301 W. 33RD STREET S.

RESCINDING COUNCIL ACTION REGARDING 301 WEST 33RD STREET SOUTH. (REQUESTED BY COUNCIL MEMBER LAMBKE) Continued from August 10, 1999.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

The demolition process had been started and about \$1,200 had been spent for abstract survey and demolition.

Motion --

Cole moved that the City Council look at policies regarding ownership changes after the City has taken action on condemned structures in an effort to find a way to resolve this kind of problem and to return a portion of the dollars expended to the City. Motion carried 7 to 0.

-- carried

NEW BUSINESS

IRB- RITCHIE

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – RITCHIE COMPANIES.
(District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-797.

On August 3, 1999, City Council approved an extension of the Letter of Intent for a six-month period for Ritchie Companies, located at 2872 N. Ridge Road in northwest Wichita, in an amount not-to-exceed \$3.6 million and a 100% 10-year tax abatement on the property financed with the bond proceeds.

Ritchie Companies is the parent company of Ritchie Corporation and Rich-Mix Products, Inc. Ritchie Corporation is a manufacturing and construction-related company doing business primarily in Kansas through its several subsidiaries, including Ritchie Paving, Ritchie Sand, Allen Concrete, Ark Valley Concrete and Concrete Accessories Company. Rich-Mix Products is a consumer products manufacturing company operating throughout the Midwest in the production and marketing of bagged concrete mixes and related products such as patio stone and lawn and garden products for the "do-it-yourself" industry. Rich-Mix has plants in Wichita, Dallas, Kansas City, Oklahoma City, Tulsa and Springfield, Missouri. Combined, the Ritchie Companies employs approximately 900 people.

The new national corporate headquarters of the Ritchie Companies will be built at the site of the current offices of Ritchie Paving at 29th Street North and Ridge Road. The headquarters facility will consist of 33,000 square feet of new construction attached by a breezeway to 12,000 square feet of existing office space. Construction will be of tilt-up concrete in the same style as the existing offices. There will be new parking for 102 cars, as well as 75 existing spaces. Ritchie is now requesting the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$3.6 million and a 100% 10-year tax abatement on property financed with bond proceeds.

An analysis of the sources and uses of The bond proceeds is as follows:

SOURCES OF FUNDS

1999 Bond Proceeds	\$3,600,000
Tenant Contribution	<u>239,000</u>
Total Funds	\$3,839,000

USES OF FUNDS

New Construction	3,213,860
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Cost of Issuance	48,140
Refinancing Existing Mortgage	<u>577,000</u>
Total Funds	\$3,839,000

The land and buildings financed by the bonds will be owned by a real estate holding company controlled by the Ritchie family, M.T.G., LLC, and leased to the Ritchie Companies for use as its corporate headquarters. The law firm of Hinkle, Eberhart & Elkouri will serve as bond counsel. The bonds will be privately placed by the Ritchie Companies and not reoffered to the public. Ritchie complied with all conditions contained in the Letter of Intent.

Ritchie Companies agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The project qualifies for a 100% five-plus-five-year tax abatement on bond financed improvements under the City's adopted Business Incentive Policy because it is the national corporate headquarters facility. Under the Standard Letter of Intent Conditions set forth in the Policy, Ritchie Companies will be required to maintain its corporate headquarters in Wichita for as long as any bonds remain outstanding and for the term of the tax abatement.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; the bond documents, including the trust indenture and Agreements be approved; the necessary signatures be authorized; and the Ordinance placed on first reading; Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$3.6 million for the purpose of providing funds to acquire, construct, and equip a corporate headquarters facility as an addition to an existing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee with respect to the bonds; prescribing the form and authorizing execution of a lease agreement by and between MTG, L.L.C. and the City; approving the sublease of the project to Ritchie Companies, Inc.; approving the form of a guaranty agreement; and authorizing the execution of a bond placement agreement by and among the City, MTG, L.L.C. and General Electric Capital Business Asset Funding Corporation, as purchaser of the Bonds, introduced and under the rules laid over.

IRB - OLD TOWN CEN. REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – OLD TOWN CENTER, L.L.C. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-798.

On August 5, 1997, City Council approved the issuance of Industrial Revenue Bonds in the amount of \$2.5 million to Old Town Center, L.L.C. Bond proceeds were used to finance the purchase and renovation of property in the Old Town District, located at 800 East First. No property tax exemption was requested. Old Town Center, L.L.C. is now requesting an additional bond issue in the amount of \$485,000 for the purpose of completing planned renovations to the property financed by the Series VII A&B 1997 Bonds.

The building, formerly referred to as the Maasco Building, is planned to be used primarily for office space with some space available for retail. The building is a four-story structure with 8,800 s.f. of leasable space on each floor and 8,500 s.f. available in the basement.

Original architectural cost estimates were below the actual cost of renovation. The additional bond financing is needed to complete finishing work on the building, completing the renovation project.

Chapman Securities, Inc. has agreed to underwrite the bonds. The firm of Hinkle Elkouri, L.L.C., will serve as bond counsel for the project. Old Town Center, L.L.C. has an approved Affirmative Action Plan on file with the City's Office of Civil Rights and Services.

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An analysis of the sources and uses of funds for the project is:

SOURCES OF FUNDS	
Bond Proceeds	<u>\$485,000</u>
Total Sources	\$485,000
USE OF BOND PROCEEDS	
Construction Costs	\$430,000
Underwriting and Cost of Issuance	32,000
Capitalized Interest	<u>23,000</u>
Total Uses:	\$485,000

Old Town Center, L.L.C. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Old Town Center, L.L.C. does not request tax exemption on the renovation project.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Cole Council Member Cole said she hoped the matter could be handled with a change order and that new bids not be required.

Motion -- Cole moved that the issuance of bonds in the amount of \$458,000 for a six month term and the letter of intent be approved; the necessary signatures be authorized; and that the increase be considered as a Change Order and rebidding not be required. Motion carried 6 to 1. Rogers - No.

-- carried

BUSINESS INCENTIVE. REVISION OF BUSINESS INCENTIVE POLICY.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-799.

On April 21, 1998, the City Council approved revisions of both the Industrial Revenue Bond Policy and the Business Incentive Policy. The Industrial Revenue Bond Policy was revised chiefly to strengthen and expand the conditions that are required to be met before industrial revenue bonds (IRBs) will be issued by the City to benefit private businesses. The Business Incentive Policy was amended to clarify restrictions on types of property for which a tax exemption could be granted and to expand the policy to cover property tax exemptions provided under the authority of both the constitutional amendment and the IRB statutes. The proposed revisions of the Business Incentive Policy are intended to apply pertinent conditions required of IRB recipients to recipients of tax exemptions under the Business Incentive Policy.

The conditions required of IRB recipients cover two types of requirements: 1) procedural steps required before bonds can be legally issued, and 2) public policy-related requirements that pertain to the business expansion project as opposed to IRB procedures. Of the 23 conditions contained in the IRB Policy, the following seven conditions are intended to enforce the public policy requirements that the City Council expects to be adhered to by companies that receive public assistance in the form of incentives such as IRBs and property tax exemptions:

1. Agreement that, prior to the issuance of the bonds or adoption of an ordinance granting tax exemption, the applicant will have an approved Equal Employment Opportunity/Affirmative Action Plan on file with the City.
2. Agreement to include in the Lease or Ordinance provisions requiring the applicant to comply with the ordinances of the City, as then exist or as may thereafter be adopted, pertaining to civil rights and equal employment opportunity, as required by Section 2.12.950 of the Code of the City of Wichita.
3. If the project involves new construction, substantial renovation or landscaping, an agreement to provide the City with documented evidence that the applicant used procedures, prior to the issuance of the bonds or granting of tax exemption, that do not exclude qualified Minority-owned Business Enterprises (MBE) and Women-owned Business Enterprises (WBE) from serving as contractors, subcontractors, engineers, architects, suppliers and vendors on the bond-financed project.

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4. If the project involves substantial new construction, or renovation or landscaping materially impacting water usage, an agreement that, prior to the issuance of the bonds or granting of tax exemption, the applicant will have obtained approval from City staff of a proposed water conservation plan.
5. If the project involves new construction, substantial renovation or landscaping, an agreement to submit building and site plans to the Public Art and Design Board for review, and to modify the proposed design as necessary to comply with reasonable Board recommendations or conditions.
6. An agreement to cooperate with any annual compliance audit procedure(s) the City may adopt to monitor compliance with conditions, including any annual reports required of the applicant and any inspections of the applicant's premises or interviews with the applicant's staff.
7. A commitment to achieve and maintain its proposed employment goals, and to meet its Equal Employment Opportunity/Affirmative Action goals, during the term of the bond issue, subject to a revocation of any tax abatement or imposition of payments in lieu of taxes in the event the City Council finds that the applicant did not make a good faith effort to achieve such goals.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Rogers moved that the Resolution amending the Business Incentive Policy be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-312

A Resolution for granting ad valorem tax abatements as an incentive for business development and expansion in Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(The Council took the FBI Task Force Item up out of order. Action is shown in Agenda Order.)

FBI VIOLENT CRIME TASK FORCE

PRESENTATION FROM THE FBI VIOLENT CRIME TASK FORCE.

Dan Jablonski, FBI, gave an update on Task Force activities.

Violent Crime Research Findings:

- Armed robberies increased dramatically from 1987 to 1991-1993.
- 590 robberies in 1987.
- 1,400 robberies per year - 1991, 1992, 1993
- WPD solution rate was 24 percent (national average).
- 3,192 robberies went unsolved (1,064/year 1991-1993).
- Robbery/homicide squad primary focus was homicides.
- Business robberies: restaurants, convenience stores, gas stations, laundry-mats, etc.
- For 15 years, business robberies averaged 43 percent of the total robberies committed in Sedgwick County.

Hobbs Act - A tool available for Federal Prosecution:

- Robbery Committed which interferes with interstate commerce.
- Interfering with the ability to buy and sell products which are manufactured in other parts of the Nation.
(i.e., liquor, beer)

Federal and State Prosecution of FBI Task Force Cases:

- United States Attorney's Office
- District Attorney's Office

Wichita FBI Violent Crime Task Force - Started October 1, 1993:

- Federal Bureau of Investigation (FBI) - 2
- Wichita Police Department (WPD) - 2
- Sedgwick County Sheriff's Department - 1
- Kansas Bureau of Investigation (KBI) - 1
- Alcohol, Tobacco, and Firearms (ATF) - 1

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Accomplishments and Results

- In the past 5 ¾ years, investigated 2,148 violent crimes
- Task Force solution rate - 65 percent

Focus on serial robbers

- Looking for patterns/similarities
- Utilize computers
- Present multiple cases on one subject to prosecutor.

Majority of violent crimes are committed by a few.

- In the first 1.5 years, 560 crimes were committed by 167 criminals
- One-half of the 560 armed robbers (258) were committed by 10 individuals.

Subjects charged in Federal and State Courts - 600

- Federal convictions - 110
- State convictions - 413
- Average Federal sentence - 13 years
- Average State sentence - 7 years

The Wichita FBI Violent Crime Task Force was recognized for their service.

There was no further action taken on this Item.

LEWD & LASCIVIOUS ORDINANCE AMENDMENT, SECTION 5.68.140 – LEWD AND LASCIVIOUS BEHAVIOR.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-800.

A recent review of state statutes indicated that the Kansas Legislature amended K.S.A. 21-3508 to expand the scope of the crime of lewd and lascivious behavior. These amendments prohibit the exposure of sex organs in public places.

The proposed amendments broaden the coverage of the city's ordinance by prohibiting public exposure, if done with the intent to arouse the sexual desires of the defendant or another.

These amendments will assist in the prosecution of these types of cases in Municipal Court.

The amendment is necessary to bring the city's ordinances into compliance with the Kansas applicable state statutes.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 5.68.140 of the Code of the City of Wichita, Kansas, pertaining to lewd and lascivious behavior and repealing the originals of said section, introduced and under the rules laid over.

ONE-STOP CENTER. ONE-STOP CENTER.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-801.

The City of Wichita has been the administrator and operator of federally-funded employment and training programs for Wichita's economically disadvantaged for over twenty years, and for residents of a six-county area (SDA IV) since the early 1990's. The Private Industry Council (PIC) currently provides oversight to the many job training programs offered within SDA IV.

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In 1998, a new Workforce Investment Act (WIA) was approved by Congress which significantly advances employment and training programs. It provides local planning and control for more programs and requires a strong commitment by the business sector in the planning and administration of job training programs. Currently, services offered by job training providers are separated by government barriers, physical locations, and distinct client groups. Under the WIA they are to be coordinated into a "seamless system" easily available to both job seekers and employers.

A crucial part of the WIA delivery system is the development and implementation of One-Stop Centers from which services will be provided. The State of Kansas recently issued Request for Proposals (RFPs) to assist with funding One-Stop Centers throughout the State. A total of \$574,500 is available to SDA IV to initiate a One-Stop Center system. The City submitted a proposal on behalf of the job training partners who provide services within SDA IV. The proposal was rejected by the State review team; the Kansas Department of Human Resources (KDHR) has subsequently issued a new RFP.

The City, working in partnership with the Wichita Area Chamber of Commerce and area job service providers, developed a new application for funding to be considered by a State review team appointed by KDHR. Funding announcements will be made in October, 1999

The Workforce Investment Act and the One-Stop Center are critical to the future skill levels of Wichita workers. To remain competitive in the 21st Century, Wichita will require a highly trained workforce. The WIA and the One-Stop Center system are key components in identifying and fulfilling training needs. The system can and should serve as a means of centralizing services for the convenience of the customer; reducing duplication of services, procedures, and forms; and providing direct linkages with economic development, education and related social services.

The City of Wichita One-Stop Career Center Proposal is designed to be a high performance, full-service career center with satellites in Cowley and Butler Counties. Virtual One-Stop locations (electronic linkages) will be established in multiple locations within SDA IV ensuring a "No Wrong Door" approach. Common intake and referral systems will be used by cross-trained staff. The facility will offer labor market information, internet access to job listings that are supported by SDA IV employers, information on trained job seekers and economic development incentives, wage and benefit surveys, and information on local training providers and customized training. In addition, the Center will provide job readiness services, flexible hours of operation and a children's play area. The facility will be fully ADA compliant to ensure universal service.

It is proposed that the City acquire, renovate and operate the full-service One-Stop facility/system. A downtown location is being considered which is consistent with other downtown revitalization efforts and also provides easy access to public transportation, and affords surface parking. The City's proposal provides matching funds up to \$1,000,000 (2-1) to acquire and renovate the building to a full-service One Stop Center facility.

The success of the One-Stop Center depends upon the active participation and involvement of partnerships (those defined by federal law and others). Partners who will either co-locate at the Wichita facility or disseminate services through computer linkages or through print material include: the Kansas Department of Human Resources, the State Department of Social and Rehabilitation Services, Vocational Rehabilitation, American Red Cross, Butler County Community College, Cowley County Community College, Wichita Area Technical College, SER Corporation, and Mid-America All Indian Center. The partners must also be committed to sustaining the One-Stop Center system from their own resources after the end of the two-year grant from the State of Kansas.

The City of Wichita's proposal requests \$574,500 in funding from the Kansas Department of Human Resources. The City proposes to match up to \$1,000,000 for facility acquisition and renovation to be funded from CDBG funds.

Council Member Rogers

Council Member Rogers inquired regarding consideration that might have been given to utilizing the Heartspring buildings.

Allen Bell

Financial Projects Director said consideration had been given to a number of sites with downtown being the principal point looked at due to the proximity to the Transit Center and other location of other facilities close to the Transit Center. This would also contribute to the City's core area.

Chris Cherches

City Manager said the downtown location is also in close proximity to the State Office Building.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

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Jim Schwartzenberger

Jim Schwartzenberger, Chamber of Commerce, spoke of the following key attributes:

- Local control - local flexibility to change with the market conditions.
- Market driven - focus can be adjusted as the market changes.
- Regional partnership.

This is a true economic development asset to the community.

Dr. Ed Flentje

Dr. Ed Flentje, WSU Center for Urban Studies, spoke regarding REAP involvement.

The following recommendations are proposed for future REAP consideration:

- 1) That REAP embrace the following principles for the implementation of the Workforce Investment Act in the region and in Kansas:
 - planning and implementation of the Workforce Investment Act should be guided through local control, specifically by local elected official in the region;
 - planning and implementation of the Workforce Investment Act should be guided by locally determined economic development priorities;
 - the seven-county region should be treated as an economic unit; and
 - the seven-county region should be allocated a fair share of funding under the Workforce Investment Act in recognition that the region comprises 37 percent of all manufacturing employment and 44 percent of all income from manufacturing in Kansas.
- 2) That REAP officials advocate the principles to appropriate state officials charged with planning and implementation of the Workforce Investment Act.
- 3) That REAP be designated the appointing authority for the local Workforce Investment Act in the seven-county region.
- 4) That a representative of REAP be appointed to the Kansas Workforce Investment Board.
- 5) That the state unemployment compensation office located in Sedgwick County not be designated as a One Stop Career Center for the county or the region.

Patrice Stollens

Patrice Stollens, Uptown Neighborhood Association, said that if Heartsprings were not considered, there are several buildings on Central in the 3000 block, and more specifically, 2916 East Central.

Marie Marda

Marie Marda, Goodwill Industries, said Goodwill has been a service provider for Welfare to Work individual, has been providing testimony to Congress, and should have been involved in talks that have occurred thus far. Ms. Marda suggested the program be privatized and questioned operation by the City.

Goodwill has submitted a grant request for \$3.5 million from the Department of Labor.

Motion --
-- carried

Pisciotte moved that submittal of the application, receipt of funds, and necessary signatures be authorized. Motion carried 7 to 0.

RECESS

The City Council recessed at 10:40 a.m. and reconvened at 10:50 a.m.

AIRPORT AUTHORITY WICHITA AIRPORT AUTHORITY GOVERNANCE STRUCTURE. (REQUESTED BY MAYOR BOB KNIGHT)

Mayor Knight

Mayor Knight reviewed the Item.

Council Member Pisciotte

Council Member Pisciotte reviewed the historic background of the Airport Authority.

Agenda Report No. 99-832.

The City established the current structure for the ownership and governance of the municipal airports November 1, 1975, as the successor to the Board of Park Commissioners. The Wichita Airport Authority (WAA) has operated as a separate legal entity with all power, authority, and control over the airports, except for the power to issue general obligations bonds or levy taxes. The governance of the WAA was placed in an administrative board appointed by the City Council.

The City Council is reviewing alternative governance for the airports. An "Authority" established under State law has additional rights to tax exemption, bonding, and governance structure that do not exist for municipal airports operated directly by cities or other entities. Changes to the governance structure for an Authority may be made by Charter Ordinance, however.

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The proposed Charter Ordinance and simple ordinance provide for the following governance structure for the Airports:

? The Governing Body of the City becomes the governing body for the Authority and the City Council members become the members of the Authority. The terms of existing WAA members will expire upon the effective date of the Charter Ordinance.

? The City Council as the Wichita Airport Authority continues as a legal entity, with all existing rights, obligations, and title to property.

? The City Council will act on Airport matters (contracts, leases, landing agreements, grants, revenue bonds, etc.) as the Authority. The Council will use its own agenda procedures for such actions, except when a different procedure is required by law for an Authority.

? Authority employees and Airport operations will be placed under the City Manager.

? A new Airport Advisory Board is created by simple ordinance. This board will consist of 7 Council appointees and 2 County appointees, in the same manner as the current Authority board. The Board will have whatever advisory role that may be requested by the Council.

Both ordinances will be effective 61 days after adoption and publication as required by law.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Ken Fluke

Ken Fluke questioned the Airport Authority's thinking that the airport director is the cause of high airfares and not having new airlines.

Airlines practice free enterprise. The number of passengers from Wichita is not great enough to keep new airlines. The City needs to get Vanguard back.

Willard Walpole

Willard Walpole, first Wichita Airport Authority President and Board member for eight years, said that through State legislation in 1974 and City adoption in 1975, the Wichita Airport Authority was created. The first director, Jay Setter, was transferred from the Board of Parks.

During Mr. Setter's term, the Airport Authority made great progress. A State bill enabled the Airport to attract good tenants, and the Municipal Airport was constructed.

Mr. Walpole urged that the Airport Authority remain in its present status and, if board members are not doing what is wanted, desires should be communicated.

Ida Ballard

Ida Ballard, Ballard Aviation, said Ballard Aviation has had major growth and has built its own hangar. It took eleven months to get approval.

Ms. Ballard said the Airport Director's job description should include getting new business and airlines.

The Airport Authority should remain as it is. The recommended change would require an addition to City Manager Staff.

Dave Landoll

Dave Landoll, pilot, said that, for the most part, he has been impressed with the operation of the Airport Authority. The majority of the Authority's members are dedicated to providing a bright and prosperous future for the whole Wichita and Sedgwick County community.

Ron Ryan

Ron Ryan, Ryan Aviation, said Wichita has an incredible airport that is managed beyond anything that could be expected for a community of this size. Most of this is a credit to Bailis Bell.

It would be better to change the Airport Authority than Bailis Bell.

Mary Ann Oppenheim

Mary Ann Oppenheim, tenant selling ice cream and snacks at the Wichita Airport for the past seven years, said the ability to respond and make changes as the needs of the consumers and community change is necessary.

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The present Airport Authority has been instrumental in helping the tenants make changes. These changes were not possible until the Airport Authority helped allow the changes.

The Airport is able to attract minority owned businesses. Large companies use outside providers. Ms. Oppenheim's company is locally owned and uses local providers.

Dave Bayouth

Dave Bayouth, member of the Airport Authority, said all agree on the goals for the Airport. No contacted the President of the Airport Authority.

There is a lack of accountability with administration and the City Council. Any differences can be handled without extreme measures. If privatized, the Airport would work more efficiently.

Administration leads the Authority to believe Airport hands are tied and that all airlines have to be treated the same.

The Chamber of Commerce needs to be more involved and to assist in the creation of 25,000 additional manufacturing jobs - then Southwest Airlines would be here.

Mr. Bayouth asked that this matter be deferred for further study.

Mr. Bayouth said the Airport generates its own revenues and does not use the City's money for anything.

Mayor Knight momentarily absent with Vice Mayor Rogers in the Chair.

OmPal Chauhan

OmPal Chauhan said all citizens of Wichita are frustrated by high air fares. The public is not informed and there is no discussion regarding what the Airport Authority is doing.

All of the ordinances and policies for the Airport and the Airport Authority should be examined to find answers to the problems.

Mr. Chauhan recommended that all Airport Authority members be replaced and the new members' qualifications should be examined before appointment.

Elizabeth Kinch

Elizabeth Kinch, former member of the Airport Authority, said the Airport Authority works hard to attract new business and often it takes a long time to look at new prospects. It is the Airport Authority's responsibility to do what is in the best interest of the community.

Ms. Kinch said the Airport Director recently was able to obtain \$800,000 in discretionary funds because of the close relationship he has been able to develop with the Federal Government over the years. It takes something extra to get discretionary funds.

In the process of refurbishing the interior of the Airport, the Airport Authority has had disagreement. There has been strong concern regarding being fiscally responsible. The Board held a hard line regarding expenditures.

Ms. Kinch spoke regarding a proposed strip mall on Tyler Road and said it is offensive to compete with Wichita businesses.

John Baird

John Baird, formerly with Pizza Hut, said there are many problems with airfares and travel in and out of Wichita is very difficult. Business travel is almost prohibitive. Calls must be made to the airport for the best rates.

One member of the Airport Authority has said, "If it is not broke - don't fix it." It is broken.

Communication goes both ways and should be from the Airport Authority to the City Council too.

Bailis Bell

Bailis Bell, Director of Airports, explained that the City Commission established the Airport Authority in 1975 and 100 percent of the responsibility was delegated to operation of the airports in the community. In 1976, the City Commission implemented Commission Policy No. 8 requiring the Airport Authority and other administrative boards to utilize City services such as personnel, accounting, purchasing, and finance. The Airport Authority's annual budget is approved by the City Council. The Airport CIP Program also requires City Council approval.

There is a tremendous tie between the Airport Authority and the City - it is not completely autonomous.

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- Mayor Knight Mayor Knight said Bailis Bell has gained distinction. It is notable that he is head of the professional associations for all airports in North America. Mr. Bell is a consummate professional to whom much of the Airport growth is attributable.
- There is no crisis at the Airport but things can be done a lot better than what is being done. This is a fundamental issue regarding what the community wants.
- Council Member Rogers Council Member Rogers said it is vital that local government have citizen input in every facet of government.
- From citizens, accountability for the Airport is only directed to the City Manager and the City Council. Airport Authority decisions impact other city activities and the Airport is an integral part of the City.
- The City has no authority over the Director of Airports or the Airport Authority.
- Council Member Cole Council Member Cole said that the creation of an advisory board does not, necessarily, mean all new people on the board; rather, it means only changes in operation and the role of board members.
- Council Member Lambke Council Member Lambke said getting lower airfares may be more simple if there is less contention on the Board. A change in the Airport Authority is needed.
- Council Member Martz Council Member Martz stated that there are personality conflicts that need to be resolved. Organizational changes such as the Park Board have been successful. The advisory capacity will be retained and only the authority will be changed.
- Motion -- carried Pisciotte moved that the regular and Charter Ordinances be placed on first reading. Motion carried 7 to 0.

CHARTER ORDINANCE

A Charter Ordinance of the City of Wichita pertaining to the membership and governance of the Wichita Airport Authority; exempting the City of Wichita from provisions of K.S.A. 3-163, 3-164, and 3-165; and repealing Charter Ordinance Nos. 137 and 169, introduced and under the rules laid over.

ORDINANCE

An Ordinance of the City of Wichita pertaining to membership and governance of the Wichita Airport Authority; creating Sections 2.12.1053, 2.12.1054, 2.12.1055, and 2.12.1056 of the Code of the City of Wichita; amending Sections 2.12.1042, 2.12.1049, 2.12.1051 of the Code of the City of Wichita; and repealing the original of said Sections and also repealing Sections 2.12.1043, 2.12.1044, 2.12.1045, 2.12.1046, and 2.12.1047 of the Code of the City of Wichita, introduced and under the rules laid over.

ADDENDUM ITEM 11A INSURANCE - HEALTH

YEAR 2000 EMPLOYEE HEALTH PLAN.

Ray Trail Finance Director reviewed the Item.

Agenda Report No. 99-831.

The Health benefit (Blue Cross Blue Shield Premier Blue, Prescription Drug, and Vision Benefit plans are recommended for changes with generally higher 2000 costs. In addition, there is a dental benefit for which no change is recommended.

Adopting the recommendations will result in the following monthly premiums:

Plan/Prem Tier	1999	2000	2000: City 80%	Employee 20%
Single health	\$134.47	\$147.92	\$118.34	\$29.58
Family health	\$405.74	\$446.31	\$357.05	\$89.26
Single RX	\$ 37.29	\$ 45.92	\$ 36.74	\$ 9.18
Family RX	\$ 84.12	\$103.59	\$ 82.87	\$20.72
Single vision	\$ 3.96	\$ 6.34	\$ 5.07	\$ 1.27
Family vision	\$ 10.66	\$ 17.06	\$ 13.65	\$ 3.41

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Plan Totals	1999	2000	Increase	City	Employee
Single	\$175.72	\$200.18	+13.9 %	\$160.15	\$ 40.03
Family	\$500.52	\$566.96	+13.3 %	\$453.57	\$113.39

Council Member Rogers momentarily absent.

Motion -- carried Gale moved that the health plans be approved. Motion carried 7 to 0.

CITY COUNCIL AGENDA

BOARD APPOINTMENTS ADVISORY BOARDS/COMMISSION APPOINTMENTS.

Motion -- carried Lambke appointed Kent Voth (Library) and moved that the appointment be approved. Motion carried 7 to 0.

PROCLAMATIONS PROCLAMATIONS:

- Philanthropy Day.

Motion -- carried Knight moved that the proclamations be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 23, 26, and 32, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 16, 1999.

Bids were opened August 13, 1999, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains
as per specifications

Paving Patterson from Broadway to the east line of Henry Jones Addition to serve Bromilow's South Broadway Addition and unplatted tracts west of Broadway. (472-82851/764381/490541) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/10/97. (District III)

Kansas Paving Company - \$106,229.50

Lateral 159, Sanitary Sewer No. 22 to serve unplatted tracts - south of Patterson, west of Broadway. (468-82863/743633/480454) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/18/98. (District III)

WB Carter Construction - \$23,000.00

Water distribution system to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (448-89321/734911/470581) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/9/99. (District V)

Ditch Diggers Inc. - \$14,294.00

Water distribution system to serve Forest Lakes West Addition- north of 29th, east of Tyler. (448-89203/734927/470597) Does not affect existing traffic. City Council approval date: 9/23/97. (District V)

Mies Construction - \$17,781.00

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Lateral 382, Southwest Interceptor Sewer to serve Forest Lakes West Addition - north of 29th, east of Tyler. (468-82769/743799/480487) Does not affect existing traffic. City Council approval date: 9/23/97. (District V)

Utility Contractors - \$51,034.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Snow Plow and Salt Spreaders. (132209)

Kansas Truck Equipment Co. Inc. - \$18,000.00 (Group I/total net bid)
Berry Tractor - \$20,151.00 - (Group II/total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Pipe Tapping Machine. (183327)

Hajoca Corporation - \$12,495.00* (Total net bid)
*Plus applicable sales tax

FINANCE DEPARTMENT/DATA CENTER DIVISION: T1 Circuit Line Installation. (035303)

Adelphia Business Solutions - \$13,932.00 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Anhydrous Ammonia – Bulk Delivery. (183632)

Art Mould/Koch Nitrogen Company – \$305.00 (Cost per ton)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES.

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
John G. Wylie	Wyl-Mac Corporation dba HELLO CSS	801 South Oliver

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

- a. 29th Street North, from Oliver to Woodlawn - east of Oliver at 29th Street North. (87N-0137-01/472-82996/706754/208229). Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/11/98. (District I)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., September 17, 1999. Motion carried 7 to 0.

SUB-DIVISION PLANS AND SPECIFICATIONS:

- a. Water distribution system to serve Evergreen Addition – Phase 2 - north of 21st, west of Maize, (448-89409/734933/470603). Does not affect existing traffic. City Council approval date: 8/10/99. (District V)
- b. Lateral 436, Southwest Interceptor Sewer to serve Evergreen Addition - Phase 2 - north of 21st, west of Maize. (468-83013/743805/480493). Does not affect existing traffic. City Council approval date: 8/10/99. (District V)

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Motion --
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., August 27, 1999. Motion carried 7 to 0.

PRELIMINARY EST

PRELIMINARY ESTIMATES:

- a. 29th Street North, Amidon to Arkansas. (472-82647/706309/405212) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/18/97. (District VI) - \$2,100,000
- b. Wichita Drainage Canal improvements; south of Douglas to 10th Street - Wichita Drainage Canal, north of Kellogg. (468-82950/660779/868526) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/8/98. (District I) - \$4,030,000
- c. Reconstruct Murdock Bridge at Drainage Canal - Murdock Bridge at Drainage Canal. (472-82784/715675/248083) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/2/98. (District I) - \$600,000
- d. Sanitary sewer replacement at Murdock and Wichita Drainage Canal - west side of Drainage Canal at Murdock. (468-82999/620262/669387) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I) - \$150,000

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

PETITION

PETITION TO CONSTRUCT A LEFT TURN LANE AND ACCEL/DECEL LANE AT WOODLAWN - SOUTH OF 37TH STREET NORTH. (District I)

Agenda Report No. 99-803.

The Petition has been signed by four owners, representing 100% of the improvement district.

This project will improve access to an apartment complex and retail area.

The estimated project cost is \$328,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0

RESOLUTION NO. R-99-313

A Resolution of findings of advisability and Resolution authorizing construction of a left turn lane and acceleration/deceleration lane to serve Lots 1 through 8, Brush Creek Third Addition (472-83131) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

TOWER STUDY

COMMUNICATION TOWER STUDY.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-804.

On May 25, 1999, the City Council authorized retaining professional assistance for developing a Communication Tower Study. Staff solicited proposals from 49 planning and engineering firms and received four (4) proposals. A Staff Screening and Selection Committee comprised of representatives from the City Manager's Office, Law, Property Management, Central Inspection, Planning, Emergency Communications, and a private-sector communications consultant interviewed the two (2) most qualified firms and recommends Kreines and Kreines, Inc., a planning firm specializing in wireless communications, to develop the study. The Sedgwick County Commission also has recognized the merits of conducting a Communication Tower Study and has requested that the scope of the project be expanded to include the entire County.

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The study will require an understanding of federal regulations, of technology and how it is evolving, and the community's needs and desires for service as well as its concerns for aesthetics. The proposed Communication Tower Study will address the various technical and policy issues and make recommendations on where and how to best meet prospective wireless communication needs, including opportunities on public land and rights-of-way, and on additions/modifications to code standards and procedures.

The total cost of the study is \$101,309. Funding is proposed as \$70,916 (or 70%) from the contingency fund and \$30,393 (or 30%) from Sedgwick County, based on the percentage of towers in Sedgwick County located in the City of Wichita. A budget adjustment is necessary to transfer funds from the contingency fund to a project budget for the study.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Agreement and budget adjustment be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Art and Design Review Board, 7-23-99
Board of Electrical Appeals, 7-13-99
CPO Coordinating Board, 8-4-99
Deferred Compensation Board of Trustees, 7-29-99
Metropolitan Area Planning Commission (MAPC), 5-13-99
Sister Cities Advisory Board Minutes, 6-4-99
Wichita Airport Authority, 7-6-99
Wichita-Sedgwick County Alcohol and Drug Abuse Advisory Board (ADAAB), 7-22-99

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

(Item No. 23)

LAW BLOCK GRANTS

LOCAL LAW ENFORCEMENT BLOCK GRANTS.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-805.

In 1998, the City was notified it was eligible to receive \$640,384 in federal funding from the Bureau of Justice Assistance (BJA), Local Law Enforcement Block Grant (LLEBG) program. This is the third Block Grant received by the City of Wichita from the U.S. Department of Justice. The Local Law Enforcement Block Grant program requires a 10 percent local match. The City Council authorized the Police Department on July 28, 1998 to use \$71,154 in Narcotics Seizure funds for matching purposes. The total approved 1998 project budget is \$711,538.

In June of this year, the City was again notified it is eligible to receive 1999 Local Law Enforcement Block Grant funding. This federal award of \$623,219, as approved, will be the City's fourth Local Law Enforcement Block Grant. The City is required to provide a 10 percent local grant match of \$69,247, which the City Council approved to be from the City's Narcotic Seizure accounts. The total project budget will be \$692,466.

The LLEBG agreement states that before any obligation or expensing of funds can occur, an advisory committee must be established and allowed to provide non-binding recommendations toward obligating and/or expensing of such funds. On August 9, 1999, the Council-approved advisory committee convened to make non-binding recommendations on the use of 1998 and 1999 Block Grant funds. During their meeting, the advisory committee approved 1998 Block Grant funding of \$49,000 for the City Manager's Youth Coordinator project, \$157,300 for Municipal Court service officers, \$135,000 for Municipal Court security and building enhancements, and \$370,238 for Police equipment and overtime. Under the 1999 Block Grant program, the advisory committee approved continued funding of \$51,000 for the City Manager's Youth Coordinator project, \$169,300 for Municipal Court service officers, and \$472,166 for Police overtime and equipment.

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The combined 1998 and 1999 grant funding is \$1,404,004: \$711,538 is from the 1998 Local Law Enforcement Block Grant program, and \$692,466 is from the 1999 Local Law Enforcement Block Grant program. The local match for both grants will be funded from Narcotics Seizure funds, which has sufficient funding to cover both local match requirements.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the public hearing be closed; receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

BARBARA STREET

DESIGN SERVICES AGREEMENT FOR BARBARA – FROM SENECA TO OSAGE. (District IV)

Agenda Report No. 99-806.

Agreement for Design Services for Barbara from Seneca to Osage (District IV)

The City Council approved the project on March 16, 1999.

The proposed Agreement between the City and Reiss & Goodness Engineers provides for the design of Barbara from Seneca to Osage. The Staff Screening & Selection Committee selected Reiss & Goodness on July 2, 1999.

Payment will be on a lump sum basis of \$12,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHDO CONTRACT

WICHITA INDOCHINESE CENTER (WIC) CHDO CONTRACT.

Agenda Report No. 99-807.

WIC was allocated \$141,800 of HOME funds in the 1998-1999 Consolidated Plan funding process. The funding was originally approved for affordable housing projects in the Planeview local investment area.

WIC plans to develop at least three new single family homes in Planeview, depending on the cost of land acquisition.

Funding for the contract was part of the City's required CHDO set-aside (15 percent) of the 1998 HOME Grant.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TENNIS COURTS

DESIGN/BUILD CONTRACT FOR REPAIRING AND RECONSTRUCTING TENNIS COURTS AT THE RIVERSIDE TENNIS CENTER. (District VI)

Agenda Report No. 99-829.

On May 25, 1999, the Staff Screening and Selection Committee (SSSC) interviewed firms interested in the design/construction of major repairs to four Tennis Courts located at the Riverside Tennis Center. The SSSC recommended that Staff negotiate a Contract with Southwest Recreational Industries. The proposed Contract is being presented to the Council for approval.

The proposed work will consist of the complete reconstruction of Courts 5, 6, and 7, and surface repairs to Court 1. The Contract also includes painting the perimeter fences of all ten Courts located immediately adjacent to the Pro Shop.

This work is a part of a previously approved project that will repair, refurbish and upgrade the Tennis Complex. Construction is expected to begin right away and be completed in mid-October.

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The Contract price is \$164,000. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER PIPELINE

48" RAW WATER PIPELINE REPAIRS.

Agenda Report No. 99-808.

Untreated water is brought from the City's two major supply sources via large diameter pipelines. One of these pipelines, a 48" cast iron pipe was constructed in the 1940s. This pipeline's route takes it through developed areas of the City just east of the Big Arkansas River. In a number of locations, the pipeline is immediately adjacent to housing and/or commercial buildings. Due to the type of material used to seal joints when this pipeline was built and the soil conditions in which the pipe is buried, the pipeline has experienced a number of breaks. A break in this pipeline next to a house or building, or under a street, has the potential to cause significant damage. The lack of availability of the 48" pipeline also limits the City's ability to meet peak water demand.

Most of the breaks in the 48" pipeline have occurred north of 53rd Street North in areas that are rural in character. Breaks in the pipeline in these areas usually do no more than damage a small area of crops. However, breaks in the pipeline adjacent to a building or under a major traffic artery have the potential to cause significant property damage, create risk to human life and/or cause significant traffic disruption. With these concerns in mind, in 1998, as part of the ongoing evaluation of the City's water supply and water supply delivery system, the City's engineers, Burns & McDonnell, were directed to evaluate the 48" pipeline route and determine where the greatest potential risks existed. The engineers also developed a recommendation to reduce risk at those locations. In all, nineteen (19) locations from 53rd Street North to the Water Treatment Plant (WTP) were identified (see attached map).

Prior to 1996, the 48" pipeline broke an average of three (3) times annually. In 1998, there were eleven (11) breaks. Recently, the 48" pipeline broke in the vicinity of 13th Street North and Perry. This location is adjacent to a commercial development. Fortunately, the pipeline was not in full service at the time of that break and damage was minimal. Nonetheless, the occurrence of a break in this urbanized area is cause for concern.

The local engineering firm, Mid-Kansas Engineering Consultants, has worked with Burns & McDonnell on the water supply project and is familiar with the City's untreated water pipeline system. Staff asked MKEC to submit a contract proposal to design repairs to the 19 locations identified by Burns & McDonnell as having the greatest potential for property damage, disruption to traffic, or risk to human life. The proposed contract may be amended to provide construction observation services, if required. Should such an amendment be necessary, it will be submitted to the City Council for approval.

The only practical alternatives to performing the repair work to the 48" pipeline are replacing the pipeline or lining the pipeline with either a steel pipeline, a plastic liner, or a cast-in-place liner. All of these alternatives are significantly more expensive than repairing selected locations.

The estimated cost of repairing the pipeline at the 19 identified "high risk" locations is \$3.7 million. This project is included in the CIP as W-806, "48" Raw Water Line Floodway to WTP." The negotiated contract with MKEC for design services is \$295,793.

Motion --
-- carried

Knight moved that the Contract and Notice of Intent be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-314

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$296,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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(Item No. 26)

BROOKS LANDFILL

RESTRICTIVE COVENANT FOR BROOKS LANDFILL. (District VI)

Agenda Report No. 99-809.

The Brooks landfill site is located north of K-96 near the terminus of West Street. The approximately 360-acre site is currently utilized as a solid waste landfill. The facility is scheduled to cease accepting waste on October 9, 2001. After the final waste is accepted, Cell D will have installation of its final cap completed. The site will then enter a 30 year post closure maintenance period during which time the City will perform maintenance on the cap and final cover, operated the environmental protection systems (two ground water remediation systems and landfill gas collection system) and continue periodic environmental monitoring (ground water quality sampling, landfill gas surface emissions monitoring, and perimeter landfill gas migration well monitoring).

Kansas Administrative Regulation 28-29-20 requires all solid waste permits where waste will remain in place after closure to have a recorded restrictive covenant before a permit can be renewed. The covenant must restrict future use of the site to applications that will not disturb the final landfill cap. Acceptable uses include storage, green space, pasture or other non-intrusive uses.

There is no cost associated with this action.

The City can petition for changes in the future.

Motion – carried

Knight moved that the restrictive covenant be approved. Motion carried 7 to 0.

AMEND. ORDINANCES

AMENDING ORDINANCES: DOUGLAS AVENUE BRIDGE OVER THE ARKANSAS RIVER AND HILLSIDE IMPROVEMENT – FROM 27TH STREET NORTH TO 37TH STREET NORTH. (Districts I, IV, and VI)

Agenda Report No. 99-810.

The City of Wichita has an ongoing partnership with the Kansas Department of Transportation (K.D.O.T.) to use Federal transportation grants to partially fund certain City street and bridge improvements. The Douglas Avenue Bridge and Hillside, from 27th Street North to 37th Street North, improvements are a part of that program.

The estimated cost of the Douglas Avenue Bridge is \$7,200,000, with \$4,400,000 paid by the City and \$2,800,000 by Federal grants administered by K.D.O.T. The estimated cost of the Hillside improvement is \$1,650,000, with \$500,000 paid by the City and \$1,150,000 paid by Federal grants administered by K.D.O.T. The funding source for the City's share is General Obligation Bonds.

Motion – carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 43-352 of the City of Wichita, Kansas, declaring Hillside, from 27th Street North to 37th Street North (472-82781) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Ordinance No. 43-672 of the City of Wichita, Kansas, declaring Douglas Avenue Bridge over the Arkansas River (472-82721) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over

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CENTURY II

POWER SWEEPER/SCRUBBER – CENTURY II.

Agenda Report No. 99-811.

Century II utilizes a sweeper/scrubber to clean approximately 173,000 square feet of floor space at Exhibition Hall, Convention Hall, and Expo Hall. This equipment has reduced the time required to clean these floors from 16 man hours to 1 hour. The present scrubber/ sweeper needs constant repairs and it would be more cost effective to replace this equipment due to the escalating maintenance costs.

The General Services Administration selected Tenant to supply the sweeper/scrubber for their contract through a competitive bid process. Century II is eligible to purchase a sweeper/scrubber from the GSA contract.

The scrubber/sweeper has been budgeted for 1999. The cost of the Tennant scrubber/sweeper will be \$34,515.57.

Motion – carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

VISITOR INFO.

VISITOR INFORMATION DISPLAYS.

Agenda Report No. 99-812.

The City of Wichita commissioned the Design Center to design/construct a Visitor's Information Center at the Boathouse. In conjunction with the Visitor's Center, space was made available for display cases to promote area attractions and businesses. The display space accommodates rear-lit graphics and three-dimensional articles. It occupies the area to the west of the staircase and utilizes both column and wall mounted cases.

The Design Center was requested to coordinate the design of the displays to ensure consistency and a quality work product. The cases are designed to offer maximum display area, but not interfere with the spacious and open feeling of the building's interior. Ten cases were initially designed to promote local museums. Six other cases will be marketed to area businesses providing highly visible space for company and product promotion. A monthly and/or yearly rental fee will be procured from the private sector to support design and construction costs.

In addition to the costs for the display cases, it is proposed to acquire a back-up touch screen monitor for the attraction kiosk. This will help to ensure that there is not significant down-time should the monitor fail to perform.

Display case costs and computer equipment are \$19,425. Funds are available from the General Fund Contingency fund.

Motion – carried

Knight moved that the expenditures be approved. Motion carried 7 to 0.

PARK PROGRAM

SUMMER OF DISCOVERY PROGRAM SNACK PROGRAM.

Agenda Report. No. 99-813.

The City Council approved the comprehensive Citywide youth program, the Summer of Discovery, February 2, 1999. On May 25, 1999, the City Council approved the Child and Adult Care Food Program provider agreements with the Kansas State Department of Education. The original forms submitted were based on actual attendance numbers for the month of June. There was a 15% increase in participant registration in July 1999. Based on the increase in participants a new claim form is needed.

The Summer of Discovery food program is eligible for reimbursement of food expenditures for children whose households meet certain guidelines. The determination by the Kansas State Department of Education auditor, made August 4, 1999, is that approximately 30% of the expenses for July and August 1999 will be reimbursed (25% at full reimbursement, 11% at a reduced rate, and 64% at a nominal rate).

The 10 Summer of Discovery sites will serve approximately 75,000 snack by summer's end. Based upon current enrollment numbers at the 10 locations the proposed snack program will cost approximately 30% less than the estimated \$60,000 (for 94,000 snacks) for the summer. Through the agreement with KSDE, the City will be reimbursed for the cost of snacks for eligible participants.

Motion – carried

Knight moved that the form(s) be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF TRACT AT NORTHEAST CORNER OF KEITH AND KELLOGG FOR THE WEST KELLOGG/TYLER ROAD IMPROVEMENT PROJECT. (District V)

Agenda Report No. 99-814.

In July 1993, the City Council approved an ordinance declaring Kellogg from 119th Street West to Mid-Continent Airport a major traffic-way. In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. The owner of a tract at the northeast corner of Kellogg and Keith, The Dora M. Timmerman Charitable Remainder Unitrust, has expressed an interest in selling this property to the City. The site contains 50,000 square feet and is zoned LC. The planned expansion of Kellogg will utilize approximately one third of the site.

The owner has agreed to sell the property for \$137,500 which equates to \$2.75 per square foot. Similar property in the area is being offered for \$2.75-to-\$4.50 per square foot. Acquisition at this time will prevent development of the site and a higher improved cost when it is acquired later.

Funds have been budgeted for opportunity land acquisitions. Ordinance 43-310, approved in October of 1996 authorized funds for this purpose. The funding source will be Local Sales Tax revenues. A budget of \$140,000 is requested. This includes \$137,500 for the acquisition and \$2,500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF TRACT AT NORTHWEST CORNER OF KEITH AND KELLOGG FOR THE WEST KELLOGG/TYLER ROAD IMPROVEMENT PROJECT. (District V)

Agenda Report No. 99-815.

Acquisition of a tract at Northwest Corner of Keith and Kellogg for the West Kellogg/Tyler Road Improvement Project (District V)

In July 1993, the City Council approved an ordinance declaring Kellogg from 119th Street West to Mid-Continent Airport a major traffic-way. In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. The owner of a tract at the northwest corner of Kellogg and Keith, Dora M. Timmerman, has expressed an interest in selling this property to the City. The site contains 62,500 square feet and is zoned LC. The planned expansion of Kellogg will utilize approximately one third of the site.

The owner has agreed to sell the property for \$171,875 which equates to \$2.75 per square foot. Similar property in the area is being offered for \$2.75-to-\$4.50 per square foot. Acquisition at this time will prevent development of the site and a higher improved cost when it is acquired later.

Funds have been budgeted for opportunity land acquisitions. Ordinance 43-310, approved in October of 1996 authorized funds for this purpose. The funding source will be Local Sales Tax revenues. A budget of \$175,000 is requested. This includes \$171,875 for the acquisition and \$3,125 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 8230 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 99-816.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The former Red Lion at 8230 East Kellogg is currently vacant. The owner contacted the City about selling the property. The site contains approximately 15,950 square feet and is improved with a 1,960 square foot restaurant/club facility. The planned expansion of Kellogg will require the removal of the improvements and utilization of much of the site.

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The owner has offered to sell the facility for \$375,000 and the equipment for \$50,000. The facility provides food service to the owner's adjacent motel. Because of this, he wishes to make sure the property continues to operate as a restaurant/club until the road project is initiated. To assure that this happens, the owner has offered to lease the property back from the City for \$2,250 per month. He will then sublease the property to a restaurant operator. This arrangement will allow the City to realize lease income during the pre-construction period without any associated leasing risks. The acquisition consultant for East Kellogg has reviewed this proposal and had indicated that he feels this transaction is in the City's financial best interest.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$430,000 is requested. This includes \$375,000 for the facility acquisition, \$50,000 for the equipment and \$5,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget, Contract, and Lease be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF LAND AND EASEMENTS FOR A PUMP STATION NEAR KELLOGG AND GREENWICH ROAD. (District II)

Agenda Report No. 99-817.

On October 20, 1998, the City Council approved the construction of a force main, sewer pump stations and extension of gravity-flow sewer lines to serve northeast Wichita. This project requires the acquisition of a tract of land for a pump station, utility easements to the facility and temporary construction easements on property owned by Cinemas Associates.

The acquisition tract contains approximately 11,780 square feet. The permanent utility easement encompasses 7,275 square feet. The temporary construction easement will impact 7,860 square feet. The property owner has agreed to deed the pump station site and grant the easements to the City for \$84,000. This equates to \$4.40 per square foot for the permanent easement and sale tract. The owner recently sold the adjacent parcel to the east on Greenwich Road for \$4.50 per square foot.

A budget of \$86,000 is requested. This includes \$84,000 for the acquisition, and \$2,000 for acquisition and closing costs, title insurance, etc. The funding source is the sewer utility.

Motion --
-- carried

Knight moved that the budget, Contract, and Easements be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

(Item No. 32)

VEHICLE EXPENSES

CHARTER ORDINANCE - VEHICLE EXPENSES.

Mayor Knight

Mayor Knight reviewed the Item.

Agenda Report No. 99-830.

On August 10, 1999, the City Council approved a motion to place a Council automobile expense allowance into the 2000 budget. A charter ordinance is necessary to implement this change.

The proposed charter ordinance amends the current charter ordinance, which establishes the compensation of the Mayor and City Council. It would allow the Council to receive "an automobile allowance as authorized by Council policy." Council Policy 23 should be amended to provide the specific sum to be paid to the council members.

The City Council modified the 2000 budget to provide the sum of \$16,800 for Council automobile expenses.

Motion --
-- carried

Knight moved that the Charter Ordinance be placed on first reading and the Council Policy be amended to reflect these expenses as authorized. Motion carried 7 to 0.

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CHARTER ORDINANCE

A Charter Ordinance of the City of Wichita, Kansas, pertaining to automobile expense allowance for the Mayor and City Council Members; amending Sections 1, 2, and 3, of Charter Ordinance No. 148; and repealing the original sections thereof, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 10, 1999)

- a. Tax exemption JR Custom Metal Products Inc. (District IV)

ORDINANCE NO. 44-310

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of JR Custom Metal Products, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Street improvement - Wichita, Dewey to Lewis. (District I)

ORDINANCE NO. 44-311

An Ordinance declaring Wichita Street, from Dewey to Lewis (472-82938) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. A99-10 - east of K-96 Highway, between 21st Street North and 13th Street North.

ORDINANCE NO. 44-312

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d. A 99-14 - ½ mile west of Meridian Avenue and ¼ mile north of 55th Street South. (District IV)

ORDINANCE NO. 44-313

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- e. Amendment of Charter Ordinance pertaining to bid requirements.

CHARTER ORDINANCE NO. 177

A Charter Ordinance amending and repealing Section 1 of Charter Ordinance No. 158 of the City of Wichita, Kansas, pertaining to exemptions from bid requirements, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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PLANNING AGENDA

Marvin Krout Director of Planning said all items could be taken as consent items.

Knight moved that the Planning Agenda items all be taken as consent items. Motion carried 7 to 0.

V-2179

V-2179 - REQUEST TO VACATE ACCESS CONTROLS LOCATED EAST OF HILLSIDE AND SOUTH OF COUNTRY CLUB PLACE. (District I)

Agenda Report No. 99-818.

Staff Recommendation: Approve vacation access control.

MAPC Recommendation: Approve vacation of access control. (unanimous)

The applicant is requesting to vacate access control along the eastern 50 feet of Lancaster Addition. This would permit a driveway to Country Club Place, which would serve a trash dumpster and a handicap van parking space. The eastern 372 feet of Lancaster Addition was platted with complete access control. The applicant has stated that a medical complex will be constructed on this property in the near future.

The applicant was also required to file a variance request to reduce the compatibility setback on the south property line from 25 feet to eight feet. Originally, several neighbors spoke in opposition to this reduction. However, the applicant and the neighbors negotiated a private settlement (attached) which included issues such as the time trash may be picked up, a new fence, traffic flow, safety, landscaping and lighting. The BZA approved the reduction of the compatibility setback on July 27th.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation Order be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

V-2187

V-2187 – REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED AT HOLLAND LANE AND TIMOTHY LANE. (District V)

Agenda Report No. 99-819.

Staff Recommendation: Approve vacation a portion of a building setback.

MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicants are requesting to vacate 6 feet of the 30-foot platted front yard building setback along one of their two street frontages. The applicants would like to expand their garage to a third bay on the east side of the existing garage.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, including a requirement for the applicant to file an Administrative Adjustment on the lot to reduce the front yard building setback from 25 feet to 24 feet. The adjustment has been filed and been approved. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation order be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

D-1764

D-1764 - DEDICATION OF A UTILITY EASEMENT LOCATED WEST OF GREENWICH, NORTH OF PAWNEE.

Agenda Report No. 99-820.

MAPC Recommendation: Accept the dedication.

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As a requirement of an associated lot split (L/S 1009), this dedication is being made to conform with the ten-foot standard for utility easements. This property is in the unincorporated area but within three miles of the city limits.

The dedication has been reviewed and approved by the Planning Commission.

Motion – carried

Knight moved that the Dedication be received and filed. Motion carried 7 to 0.

D-1765

D-1765 - DEDICATION OF A UTILITY EASEMENT LOCATED NORTH OF 13TH STREET NORTH, EAST OF OLIVER. (District I)

Agenda Report No. 99-821.

MAPC Recommendation: Accept the dedication.

As a requirement of an associated lot split (L/S 1012), this dedication is being made for the purpose of construction and maintenance of utilities.

The dedication has been reviewed and approved by the Planning Commission.

Motion – carried

Knight moved that the Dedication be received and filed. Motion carried 7 to 0.

S/D 99-43

S/D 99-43 - PLAT OF CASA DE AGUA ADDITION LOCATED ON THE NORTHWEST CORNER OF MERIDIAN AND 61ST STREET NORTH. (District VI)

Agenda Report No. 99-822.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site adjoins the City of Wichita and is on the same agenda to be annexed by the City. It will be used as a water pumping station to serve Valley Center and served by City of Wichita water; no sewer service is needed.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Recording of Plat to be withheld until the annexation ordinance is published.

Motion -- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 99-44

S/D 99-44 - PLAT OF BUU QUANG TEMPLE ADDITION LOCATED ON THE WEST SIDE OF HYDRAULIC, SOUTH OF 47TH STREET SOUTH. (District IV)

Agenda Report No. 99-823.

MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned SF-6, Single-Family Residential. Municipal services are currently available.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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S/D 99-47

S/D 99-47 - PLAT OF MOUNIVONG ADDITION LOCATED ON THE SOUTH SIDE OF 27TH STREET SOUTH, WEST OF MERIDIAN. (District IV)

Agenda Report No. 99-824.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned SF-6, Single-Family Residential. Municipal services are available to serve this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 98-81

S/D 98-81 - PLAT OF MARINA LAKES 8TH ADDITION LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH, EAST OF MERIDIAN. (District VI)

Agenda Report No. 99-825.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

A zone change (Z-3273) from SF-6, Single-Family Residential to LC, Limited Commercial zoning was approved for lot 1. A petition, 100%, has been submitted for a left turn lane on 21st Street North. A Certificate of Petition has also been submitted. A restrictive covenant has been provided in order to provide for the ownership and maintenance of the reserve. A CUP Certificate has been provided identifying the approved CUP.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition, restrictive covenant and CUP Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Plat and documents be approved; the necessary signatures be authorized; the Ordinance Z-3273 be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-315

Resolution of findings of advisability and Resolution authorizing improving of left turn lane from 21st Street North to serve Lot 1, Marina Lake Eighth Addition, Project No. 472-83136 (south of 21st, west of Amidon) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3273

A 99-27

A 99-27 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED EAST AND WEST OF WEBB ROAD, BETWEEN CENTRAL AVENUE AND 13TH STREET NORTH. (District II)

Agenda Report No. 99-826.

A resolution establishing a future public hearing date of October 19, 1999 for consideration of a unilateral annexation was approved. The properties proposed for annexation are generally located east and west of Webb Road, between Central Avenue and 13th Street North.

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The subject area of this annexation consists of approximately 103 acres that includes a total of 130 properties (111 platted and 19 unplatted) developed into 96 residential tracts, four (4) commercial tracts, three (3) farm-related tracts, twenty (20) vacant tracts, three (3) school tracts, two (2) church tracts, one (1) EMS post and one (1) electric utility station. The areas to be annexed also include portions of the following roads: Webb Road, Greenwich Road and 13th Street North. The land-use pattern is of the area proposed for annexation is a mix of single-family and multi-family residences, manufactured housing, developed and undeveloped commercial uses, several public/institutional tracts, and several parcels of undeveloped land intermittently located throughout the area. The majority of the area is zoned "SF-20" Single-Family Residential, with several areas zoned "LC" Limited Commercial and "GC" General Commercial. Properties zoned "SF-20" Single-Family Residential will convert to the "SF-6" Single Family Residential district upon annexation. The majority of the land proposed for annexation is located within the areas identified as "low density residential," "public/institutional," and "industrial", and is within the "new growth" boundary as shown on the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change.

The proposed annexation will allow for more efficient, unambiguous delivery of services to the east part of Wichita by eliminating small pockets of unincorporated areas along Webb Road. The Water & Sewer Department indicates that the annexation area is currently served by City of Wichita water lines running throughout the area, with 16 to 24 inch water mains located in portions of Webb Road right-of-way. The undeveloped property at the northwest corner of 13th Street North and Greenwich Road is not served. The City has no plans to initiate water service in the areas not currently served. As for sewer, the majority of properties in this proposed annexation area are currently served by public sanitary systems. The majority of western portion of the annexation area is served by an 8 inch City sewer line with a 21 inch main extending west of Webb Road. The City of Wichita recently acquired the Minneha Township Sewer District, which also has lines in this area. Approximately half of the acquired lines are old and will need to be replaced. The Sedgwick County Four-Mile Creek Sewer District currently serves the properties located at the northwest corner of Central and Greenwich Road

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$2,511,350 resulting in an annual City Ad Valorem tax revenue of approximately \$10,993. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services, should they be requested by the property owners, would be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --
-- carried

Knight moved that the service plan be approved and the Resolution setting the hearing date be adopted.
Motion carried 7 to 0.

RESOLUTION NO. R-99-316

A Resolution declaring and interest in, and establishing a public hearing date for considering the unilateral annexation of properties generally located east and west of Webb Road, between Central Avenue and 13th Street North, to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-99-27

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A 99-28

A 99-28 - CITY OF VALLEY CENTER REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF MERIDIAN AVENUE AND 61ST STREET NORTH.
(District VI)

Agenda Report No. 99-827.

This property is located at the northwest corner of the intersection of Meridian Avenue and 61st Street North, consists of approximately .33 acres and abuts the City of Wichita to the south and east. The City of Valley Center recently purchased this site for the construction of a Water Booster Pump Station and is now in the process of platting. As a requirement of the platting process, the property owner has requested annexation.

Land Use and Zoning: The site is a single, undeveloped tract of land zoned "SF-20" Single Family Residential. Land to the north, south and west is also zoned "SF-20" Single Family Residential. Land to the east of the site is zoned "SF-6" Single Family Residential. Land situated north of the Little Arkansas River is zoned "LI" Limited Industrial.

Public Services: The City Water and Sewer Department indicates that there is an existing 20 inch water main along Meridian Avenue from 56th Street North to the south line of the Little Arkansas River. Plans for the Valley Center pump station include using a 12 inch tap into the existing Wichita 20 inch water main along Meridian Avenue that will feed the pump station. A 16 inch water main will extend along Meridian Avenue from the pump station north to the City of Valley Center. As for sanitary sewer, the City of Wichita does not currently serve this area and there are currently no plans to serve this area.

Street System: The area proposed for annexation currently has access to Meridian Avenue, a two-lane improved section line road built to the county standard (asphalt with open ditches), which serves the area as the nearest major north-south road. The site is also has access to 61st Street North, a two-lane unimproved road with open ditches, which serves as a east-west collector street to Meridian Avenue. Currently, there are no plans to improve 61st Street North or that portion of Meridian Avenue in the City of Wichita 1998-2007 C.I.P.

Public Safety: The Wichita Fire Department can serve this site with a nine (9) to ten (10) minute approximate response time from City Station #3 located at 3261 N. Broadway and a six (6) to seven (7) minute approximate response time from County Station #32 located at 501 E. 53rd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street North.

School District: The property is located in Unified School District 262 (Valley Center School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: The property is not located within the Policy 32 urban service area nor is it located within the urban growth area of the City of Wichita (as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan).

The property proposed for annexation is owned by the City of Valley Center and is therefore tax exempt.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-28

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A 99-29

A 99-29 - WILLIAM E. LUSK JR. REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 54 BETWEEN 127TH STREET EAST AND 143RD STREET EAST. (District II)

Agenda Report No. 99-828.

This property is located on the north side of U.S. Highway 54 lying between 127th Street East and 143rd Street East, consists of approximately 242 acres and abuts the City to the northwest of the site. The property owner is planning to develop the property with a mix of 170 single-family homes, 300 multi-family dwellings (apartments) and approximately 122 acres of commercial/industrial establishments. The staging of development will occur over 10 years beginning in the year 2000. At this time, the property owner has not submitted the necessary zoning change and subdivision applications to implement the proposed development.

Land Use and Zoning: The site consists of two (2) large, undeveloped contiguous tracts of land zoned "SF-20" Single Family Residential. Land to the north and to the east of the site is zoned "SF-20" Single Family Residential. Land to the south of the site is zoned "SF-6" Single Family Residential, with a small tract zoned "LC" Light Commercial at the southeast corner of U.S. Highway 54 and 127th Street East, and a small tract zoned "GO" General Office at the southwest corner of U.S. Highway 54 and 143rd Street East.

Public Services: The City Water and Sewer Department indicates that there are 16 inch water mains along 127th Street East and along U.S. Highway 54. There is also a 12 inch water main along 143rd Street East extending ¼ mile north from U.S. Highway 54. The City of Wichita 1998-2007 C.I.P. indicates a project to install a 16 inch water main in 143rd Street East from an existing 20 inch main in Central Avenue to the existing 12 inch main with construction scheduled for the year 2005. As for sewer, the property proposed for annexation is located within the Four Mile Creek Sewer District. When the site develops, sanitary sewer service will be provided by Sedgwick County through the sewer district.

Street System: The area proposed for annexation currently has access to 143rd Street East, a two-lane improved section line road built to the county standard (asphalt with open ditches), which serves the area as the nearest major north-south road. It is unlikely that the site will have direct access to U.S. Highway 54, a paved four-lane divided highway (through this section of Sedgwick County), which serves as the nearest major east-west road. According to the Memorandum of Understanding for U.S. Highway 54 Corridor Preservation Master Plan, access to the property will require a frontage road that extends west from 143rd Street East. Currently, there are no plans to improve 143rd Street East or that portion of U.S. Highway 54 in the City of Wichita 1998-2007 C.I.P. or the 1998-2003 Sedgwick County C.I.P.

Public Safety: The Wichita Fire Department can serve this site within an eight (8) to nine (9) minute approximate response time from City Station #15 located at 7923 E. Lincoln and a four (4) to five (5) minute approximate response time from County Station #38 located at 1010 N. 143rd Street East. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: W.B. Harrison Park, a 40.15 acre community park is located approximately three (3) miles to the southwest of property proposed for annexation. The park may be accessed through entrances located off Webb Road. The Wichita-Sedgwick County Parks and Open Space Master Plan: Parks and Pathways indicates a potential park in the vicinity of 127th Street East and Harry Street. This improvement is not funded in the C.I.P. however.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Urban Growth: Area & Policy 32: The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation is currently vacant with no improvements. The total appraised value of the property is \$16,710; the assessed value (30%) of the property totals \$5,013. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$157 in City annual tax revenues for the unimproved property. The future assessed value of this property will depend on the timing of development, the type of development and the current mill levy. According to the evaluation sheet submitted by the property owner, the property upon 100% completion will yield an appraised value of \$107,629,760; the assessed value of the property

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will total \$23,856,440. Assuming the current City levy remains about the same (\$31.253/\$1000 x assessed valuation), this would roughly yield \$745,585 in City annual tax revenues.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-

OFF AGENDA ITEM

COUNCIL MEMBER PISCOTTE AND CITY MANAGER TRAVEL TO TLANTAPLANTA, MEXICO, FOR DEDICATION OF FIRE TRUCK DONATED BY THE CITY OF WICHITA.

Motion --
-- carried

Knight moved that the rules be set aside and a matter be taken up off the Agenda. Motion carried 7 to 0.

Funding is available in the City Manager's budget.

Motion -- carried

Knight moved that the travel be approved. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice, preliminary discussions relating to the acquisition of real property for public purposes, and the regular meeting be resumed no sooner than 1:15 p.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS

The City Council recessed at 12:35 p.m. and reconvened at 1:30 p.m.

RECESS

The City Council recessed at 1:30 p.m. and reconvened at 7:00 p.m.

The City Council met in recessed session at the Law Enforcement Training Center, 2235 West 37th Street North. Mayor Knight in the chair. Council members Cole, Gale, Lambke, Martz, Pisciotte; present. Council Member Rogers absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; and Pat Burnett, City Clerk; present.

Wichita, Kansas, August 17, 1999
Tuesday, 7:00 p.m.

A 99-5

A 99-5 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF LAND GENERALLY LOCATED NORTH AND SOUTH OF 37TH STREET NORTH, BETWEEN BROADWAY AND HILLSIDE AVENUE. (Districts I & VI).

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-802.

On June 15, 1999, the City Council adopted a resolution that established August 17, 1999, at 7:00 p.m. at the Law Enforcement Training Center, 2235 W. 37th Street North, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located north and south of 37th Street North, between Broadway and Hillside Avenue.

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The area proposed for annexation is the first phase of a two-phase annexation. The subject area of this annexation is approximately 149 acres and consists of 15 unplatted properties and portions of 37th Street, 33rd Street, Hillside and Old Lawrence Road. The land-use pattern consists of two (2) residential tracts, five (5) farm related tracts, four (4) commercial tracts, one (1) industrial tract and three (3) vacant tracts. The majority of the area is zoned "LI" Limited Industrial and "GI" General Industrial, with a few intersection corners zoned "LC" Limited Commercial. These properties will retain their existing zoning following the annexation.

An informational meeting regarding the proposed annexation was held on July 20, 1999 at Law Enforcement Training Center, 2235 W. 37th Street North. One property owner attended the meeting and asked several questions regarding the effect annexation will have on his business (RV park) and the area surrounding his business.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area.

Map No. 2 in the plan shows the properties proposed for annexation (see Attachment No.3). The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements of this annexation is \$2,848,330, with a resulting initial annual City Ad Valorem tax revenue of approximately \$15,732.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on June 10, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (8-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-5

ADJOURNMENT

The City Council adjourned at 7:05 p.m.

Pat Burnett, CMC
City Clerk